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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,826	07/09/2003	Masashi Dendo	A-9895	8139

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
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MCLEAN, VA 22102-3833

EXAMINER

SAETHER, FLEMMING

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,826

Applicant(s)

DENDO, MASASHI

Examiner

Flemming Saether

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10-4-04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese reference No. 49-25957. Japan '957 discloses a screw grommet (Figs. 3 and 4) comprising a flange (3), a shank (not labeled) having a cavity (4) therein capable of receiving a self tapping screw. The flange and shank are rectangular in cross section and a plurality of slits (5) bisecting all the sides of the rectangle.

Claim Rejections - 35 USC § 103

Claims 2 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima (US 4,293,260) in view of Japan 49-25957. Kojima discloses a screw grommet comprising a flange (1) and a shank (2) having a rectangular cross section so that only the shank is received in a rectangular mounting hole (H). The grommet includes a cavity (4) therein receiving a tapping screw (3). Protrusions (6) are formed on the outer surface of the shank spaced from the flange (Fig. 2) and arranged diagonally to one another at the corners of the rectangular cross section of the shank. Each protrusion having a shoulder (6a) facing the flange and an inclined surface (6c) approaching the tip. With the claims given their broadest reasonable interpretation, the protrusions have an L-shape embracing the corners. Kojima discloses the shank to have axial slits (10) but, does not disclose the slits dividing the sides along only a partial length. Japan '957 discloses a screw grommet (Figs. 3 and 4) comprising a flange (3), a shank (not labeled) having a cavity (4) therein capable of receiving a self tapping screw. The flange and shank are rectangular in cross section and a plurality of slits (5)

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bisecting all the sides of the rectangle. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the slits disclosed in Kojima with ones as disclosed in Japan '957 because the configuration disclosed in Japan '957 provides a greater resiliency to the shank to facilitate insertion into different size holes in the plate (see Figs. 5 and 6 in Japan '957).

Claim 3, 9 and 10 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima (US 4,293,260) in view of Japan 49-25957 or Japan 49-25957 alone and further in view of Tinnerman (US 2,975,814). Neither Kojima as modified by Japan '957 nor Japan '957 alone disclose the slits extending only to the middle of the shaft such that the slits extend over about half the length of a tapping screw. Tinnerman discloses a screw grommet (10) comprising a flange (13), a shank (11, 12) having a cavity (14, 14a) therein receiving a self tapping screw (Fig. 4) and, a plurality of slits (14a) bisecting the sides to about midway so that the screw engages about half its length the bore beyond the slits (see Fig. 4). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to form the slits of modified Kojima to only about mid way along the shank such that the screw engages about half its length beyond the slits as disclosed in Tinnerman because such would enable the screw superior engagement with the grommet by providing full thread engagement beyond the end of the slits.

Response to Remarks

Applicant argues the prior art applied in the rejection did not disclose the slits along all the rectangular shaped shank and flange. In response, as noted above, a new reference was applied teaching the slits along all the sides of the rectangular shaped shank and flange thus making the argument now moot.

Applicant argues the members labeled 6 in Kojima cannot be considered L-shaped protrusions since they are the outer periphery of the shaft. In response, the examiner disagrees because as seen in Fig. 1 of Kojima the outer periphery (labeled 7) can be seen as recesses relative to the members labeled 6 as such the members labeled 6 are properly read as protrusions when considered relative to the recessed periphery (7). Furthermore, a continuation of the periphery to imaginary corners where they would meet reveals the protrusions to have a L-shape embracing the corners. Lastly, it should be noted that the meaning of outer periphery must be interpreted in context because as in the instant case, any protrusion, even those of the instant invention, would form the outer periphery. In other words, if given its strict interpretation, nothing can be considered as projecting from an "outer periphery" because by definition periphery is the end of the form.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

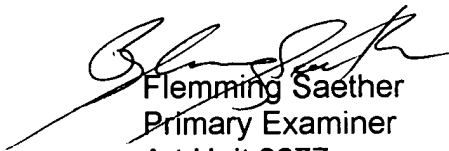
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Flemming Saether
Primary Examiner
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